

AN ORDINANCE

BY COUNCILMEMBER HOWARD SHOOK

AMENDING SECTION 130-84 (RATES AND CHARGES) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA FOR THE PURPOSE OF ELIMINATING THE SOLID WASTE FRONTAGE FEE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta is charged with the responsibility of municipal solid waste removal from single-family and multi-family residential dwellings; and

WHEREAS, an annual Solid Waste Fee is assessed against the property owners in addition to a per foot fee for paved and unpaved frontage; and

WHEREAS, the rationale for the frontage fee cannot be adequately explained as to why it is being charged; and

WHEREAS, the City of Atlanta is the only metro jurisdiction charging its citizen a frontage fee for solid waste collection; and

WHEREAS, citizens have questioned the validity of this charge and have requested their representatives to eliminate it from the Code of Ordinances as it is unfair to a homeowner living on a corner lot and does not generate the waste anticipated because of their recycling habits; and

WHEREAS, the Georgia Solid Waste Management Act of 1990 prohibits yard trimmings from being disposed in landfills and the frontage fee was an attempt to collect for the vast amount of yard trimmings from large lots into the City's landfills; and

WHEREAS, homeowners are continuing to complain to their city representatives that this fee is no longer needed and unjustifiable.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

**SECTION 1:** That Section 130-84 is amended by deleting the strike through language below:

**Sec. 130-84. Rates and charges.**

The following rates and charges are hereby established for solid waste collection:

(1) *Residential rate*: ~~\$307.19 per year plus 0.94 cents per foot of paved street frontage and, to cover rubbish collection costs for unpaved frontage, 0.67 cents per foot of unpaved street frontage, up to a maximum of 200 feet. In calculating the charge, paved frontage is calculated first and then unpaved frontage.~~

(2) *Duplex or triplex rate*: As above for each residence, plus \$307.19 per year for each separate living unit in excess of one.

(3) *Apartments, condominiums, townhouse, public housing or any other multiple-family units (apartments) rates*: ~~\$1.63 per foot of paved street frontage, and to cover rubbish collection costs for unpaved frontage, \$0.67 per foot of unpaved street frontage plus one of the following charges, as appropriate.~~

- a. \$208.59 per year, for each dwelling unit where the garbage from apartments, condominiums, townhomes, public housing or any other multiple-family units collected from individual containers, garbage cans or bags;
- b. \$183.37 per year for each dwelling unit where the garbage from apartments, condominiums, townhomes, public housing or any other multiple-family units is collected from industrial containers;
- c. Where the dwelling units or apartments are located in building structures with incinerator(s), duly installed and operating therein in accordance with all laws and regulations applicable to incinerators, depositing only incinerator refuse, and if the collection is from industrial containers grouped together, as herein after defined, the amount shall be \$53.82 per year for each dwelling unit; if such containers are not grouped together, then the amount shall be \$122.79 per year for each dwelling unit; for the purposes of this section, industrial containers are grouped together when such containers are located physically adjacent with only sufficient space between such containers to permit access and pickup by the city collection equipment without the movement or shifting of any of said containers in order to gain access to any other of said containers;
- d. \$54.87 per year for each dwelling unit to which collection and removal services are made available to collect garbage from apartments, condominiums, townhouse, public housing or any other multiple-family units.

(4) *Residential back yard removal*: \$962.21 per year.

(5) *Mobile home parks*:

- a. Individual garbage cans: \$193.35 per year.
- b. Installed industrial containers: \$479.42 per year. See [subsection] (7).

(6) *Commercial and industrial rates:*

- a. \$7.60 per foot of street frontage property located in all areas receiving street cleaning at a frequency of three to six times per week;
- b. \$3.70 per foot of street frontage for property for located in all areas receiving special thoroughfare street cleaning (at least once a week) in addition to street cleaning at the same frequency as residential service (once per three weeks);
- c. \$2.89 per foot of three [street] frontage for all other commercial and industrial property receiving street cleaning at the same frequency as residential (once per three weeks);
- d. \$0.67 per foot of unpaved street frontage for commercial and industrial property abutting unpaved streets to cover rubbish collection cost.

(7) *Public property charge for services which have been contracted:* A flat charge of \$479.42 per year for each parcel in lieu of the frontage charge. For public housing charges, see subsection (3) a.-d. For government buildings garbage collection, see surcharges, subsection (6).

(8) *Vacant parcels:* A charge based upon street frontage to cover street cleaning and rubbish collection based on the zoning class of the property; residential to be charged as in subsection (1), apartments to be charged as in subsection (3)d., and commercial/industrial to be charged as in subsection (6).

(9) *Building of public worship rate:* \$1.26 per foot of paved street frontage to cover street cleaning and rubbish collection costs; \$0.52 per foot of unpaved street frontage for rubbish collection costs. In addition to the front footage levy listed above, there shall be a charge of \$208.59 per year for solid waste collection from individual containers, garbage cans or bags, or a charge of \$183.37 per year if the solid waste collection is from industrial containers.

(10) *[Minimum; private landfill site and transfer station operations.-]* A minimum of \$1.10 per ton payable to the city by all private landfill site operations and transfer station operations located within the city for refuse disposed, collected, handled, processed or reclaimed within the jurisdiction of the city. Fees must correspond with tonnage handled and will be payable quarterly and prior to issuance of annual permits. As required by O.C.G.A. § 12-8-39, all user fees collected in accordance with this subsection shall be deposited in a local restricted account and used solely for solid

waste management purposes.

(11) *Corner lots:* Properties located on corner lots with two or more street frontages will be charged based on the footage of the street frontage which is the legal address of the property

**SECTION 2:** That all ordinances and parts of ordinances in conflict herewith are hereby waived for this instance only.

**CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2007-46(07-O-1617), enacted Aug. 28, 2007. (Supplement No. 38) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 130 SOLID WASTE MANAGEMENT\* \ ARTICLE II. MUNICIPAL COLLECTION AND DISPOSAL SYSTEM \ DIVISION 4. RATES AND CHARGES**

**Sec. 130-84. Rates and charges.**

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The following rates and charges are hereby established for solid waste collection and shall become effective July 1, 2003:

- (1) *Residential rate:* \$307.19 per year plus 0.94 cents per foot of paved street frontage and, to cover rubbish collection costs for unpaved frontage, 0.67 cents per foot of unpaved street frontage, up to maximum of 200 feet. In calculating the charge, paved frontage is calculated first and then unpaved frontage.
- (2) *Duplex or triplex rate:* As above for each residence, plus \$307.19 per year for each separate living unit in excess of one.
- (3) *Apartments, condominiums, townhouse, public housing or any other multi-family dwelling rates:* \$1.63 per foot of paved street frontage, and to cover rubbish collection costs for unpaved frontage, \$0.67 per foot of unpaved street frontage plus one of the following charges, as appropriate.
  - a. \$307.19 per year, for each dwelling unit where the garbage from apartments, condominiums, townhomes, public housing or any other multi-family dwellings is collected from individual containers, garbage cans or bags;
  - b. \$183.37 per year for each dwelling unit where the garbage from apartments, condominiums, townhomes, public housing or any other multi-family dwellings is collected from industrial containers;
  - c. Where the multi-family dwelling units or apartments are located in building structures with incinerator[s], duly installed and operating therein in accordance with all laws and regulations applicable to incinerators, depositing only incinerator refuse, and if the collection is from industrial containers grouped together, as hereinafter defined, the amount shall be \$53.82 per year for each dwelling unit; if such containers are not grouped together, then the amount shall be \$122.79 per year for each dwelling unit; for the purpose of this section, industrial containers are grouped together when such containers are located physically adjacent with only sufficient space between such containers to permit access and pickup by the city collection equipment without the movement or shifting of any of said containers in order to gain access to any other of said containers;
  - d. \$54.87 per year for each dwelling unit to which collection and removal

services are made available to collect garbage from apartments, condominiums, townhomes, public housing or any other multi-family dwelling units.

- (4) *Residential backyard removal:* \$962.21 per year.
- (5) *Mobile home parks:*
  - a. Individual garbage cans: \$193.35 per year.
  - b. Installed industrial containers: \$479.42 per year. See subsection (7).
- (6) *Commercial and industrial rates:*
  - a. \$7.60 per foot of street frontage property located in all areas receiving street cleaning at a frequency of three to six times per week;
  - b. \$3.70 per foot of street frontage for property located in all areas receiving special thoroughfare street cleaning (at least once a week) in addition to street cleaning at the same frequency as residential service (once per three weeks);
  - c. \$2.89 per foot of street frontage for all other commercial and industrial property receiving street cleaning at the same frequency as residential (once per three weeks);
  - d. \$0.67 per foot of unpaved street frontage for commercial and industrial property abutting unpaved streets to cover rubbish collection cost.
- (7) *Public property charge for services that have been contracted:* A flat charge of \$479.42 per year for each parcel in lieu of the frontage charge. For public housing charges, see subsection (3)a.—d. For government buildings garbage collection, see surcharges, subsection (6).
- (8) *Vacant parcels:* A charge based upon street frontage to cover street cleaning and rubbish collection based on the zoning class of the property; residential to be charged as in subsection (1), apartments and other multi-family dwellings to be charged as in subsection (3)d., and commercial/industrial to be charged as in subsection (6).
- (9) *Building of public worship rate:* \$1.26 per square foot of paved street frontage to cover street cleaning and rubbish collection costs; \$0.52 per foot of unpaved street frontage for rubbish collection costs. In addition to the front footage levy listed above, there shall be a charge of \$208.59 per year for solid waste collection from individual containers, garbage cans or bags, or a charge of \$183.37 per year if the solid waste collection is from industrial containers.
- (10) *Minimum; private landfill site and transfer station operations:* A minimum of \$1.10 per ton payable to the city by all private landfill site operations and transfer station operations and transfer station operation located within the city for refuse disposed, collected, handled, processed or reclaimed within the jurisdiction of the city. Fees must correspond with tonnage handled and will be payable quarterly and prior to issuance of annual permits.

As required by O.C.G.A § 12-8-39, all user fees collected in accordance with this subsection shall be deposited in a local restricted account and used solely for solid waste management purposes.
- (11) *Corner lots:* Properties located on corner lots with two or more street frontages

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(Ord. No. 2004-06, § 1, 1-12-04)